

**PHYSICAL THERAPY AFFILIATED CREDENTIALING BOARD
DECEMBER 8, 2005
MINUTES**

PRESENT: Otto Cordero; Enid Mistele; Larry J. Nosse; Mark Shropshire; Jane Stroede

STAFF: Tom Ryan, Bureau Director; Jacquelynn Rothstein, DRL Board Counsel; PJ Monson, Bureau Assistant

GUESTS: Jason Johns, Michele Thorman, and Keith Hatch, Wisconsin Physical Therapy Association (WPTA); Jeremy Levin, Wisconsin Medical Society

CALL TO ORDER

Mr. Cordero called the meeting to order at 8:34 a.m.

Mr. Cordero and Mr. Ryan welcomed the new members of the Board.

Election of Board Chair

MOTION: Ms. Stroede moved, seconded by Mr. Nosse, to nominate Mr. Cordero as Board Chair. Motion carried unanimously.

With no other nominations, Mr. Cordero assumed the Board Chair position.

APPROVAL OF AGENDA

Additions:

Item "E" – American Physical Therapy Association (APTA) request for an APTA credential residency and/or fellowship program

Item "E" – Continuing Education requirements – Q&A (replaces page 26 of the agenda)

After Item "F" – DOE pending cases

After Item "L" – Letter from Jon S. Berlin, MD, Aurora Behavioral Health Center regarding Kristi Knutson

After Item "L" – DOE Pending Case Report

MOTION: Ms. Stroede moved, seconded by Mr Shropshire, to approve the agenda with additions. Motion carried unanimously.

APPROVAL OF MINUTES OF JULY 14 AND SEPTEMBER 15, 2005

Amendments – July 14:

MOTION: Ms. Mistele moved, seconded by Ms. Stroede, to approve the minutes as published. Motion carried unanimously.

Amendments – September 15:

- Ms. Rothstein stated that the proper spelling of her name is Jacquelynn, not Jacqueline.

MOTION: Ms. Stroede moved, seconded by Mr. Nosse, to approve the minutes as amended. Motion carried unanimously.

ADMINISTRATIVE REPORT

2006 Board meeting schedule:

The Board discussed the examination process and the number of Board members available for each examination. All four professional Board members indicated they would like to participate in the March examination. Mr. Cordero explained the screening process to the new Board members as well as the liaison positions that will be available for nominations/elections at the March meeting.

2006 Hotel Policy

Mr. Ryan explained the Department's policies relating to the recent change in the state hotel contract.

Board Member Hotline

Board members were encouraged to use the Board member hotline number and were reminded the number is for members only.

Increase in mileage compensation:

Mr. Ryan explained the mileage expense reimbursement rate increase for Board members.

**RULES RELATING TO WIS. STAT. § 448.527, CODE OF ETHICS,
AND WIS. STAT. § 448.567, PERFORMANCE AUDITS – BOARD DISCUSSION**

The Board reviewed Wis. Stat. § 448.527 and the terms 'code of ethics' and 'code of conduct.' Discussion of what may or may not be directly outlined in the statute and code book regarding ethics and unprofessional conduct ensued. On the advice of counsel, the Board decided not to further modify current laws and rules.

Mr. Ryan and Mr. Cordero will discuss Wis. Stat. § 448.567 prior to additional Board discussion.

Report of Licensing Liaison – Otto Cordero

Noted.

CONTINUING EDUCATION (CE) RULE QUESTIONS AND ANSWERS

The Board discussed educational entities that supply continuing education to licensed physical therapists that may be granting CE credit based on time equivalency that varies from what the Board understood it to be when it created PT 9. The Board discussed making corrective and clarifying changes to PT 9 as needed, specifically with regard to CEUs. The Board will continue to discuss CE issues relating to its rule at a future meeting.

Mr. Cordero indicated that in Texas, the examining board and the state association collaborate on the CE evaluations and audits.

MOTION: Mr. Nosse moved, seconded by Ms. Mistele, in favor of Mr. Ryan and Mr. Cordero investigating the relationship between the Texas Physical Therapy Association and the Texas Physical Therapy Board in the management and screening of continuing education credits. Motion carried unanimously.

The Board discussed a letter submitted by Ms. Micki Klawes regarding continuing education and requested Ms. Rothstein work with the Chair to respond to Ms. Klawes' letter.

PRACTICE QUESTION – DIAGNOSTIC IMAGING IN THE PRACTICE OF PHYSICAL THERAPY – MICHELE THORMAN, PT, MBA; WISCONSIN PHYSICAL THERAPISTS ASSOCIATION (WPTA)

The Board discussed a practice question received from Michele Thorman regarding diagnostic imaging, how it is used in diagnosis, and the ability to order x-rays directly versus making a referral to a radiologist. Ms. Thorman joined the discussion. The Board concurred that the transaction of requesting an x-ray thru a radiologist or other licensed physician would be considered a referral rather than an independent order of an x-ray by the physical therapist.

The Board provided instruction to legal counsel regarding what should be included in a response letter to the WPTA.

MOTION: Ms. Stroede moved, seconded by Ms. Mistele, for legal counsel to respond to the July 25, 2005 WPTA letter discussed at today's meeting. The Chair will review the letter before it is sent. Motion carried unanimously.

PRACTICE QUESTION – PERFORMING A PROTHROMBIN TIME TEST (PT/INR) USING A PORTABLE PROTOME METER – LISA CHEREK, PT; GENTIVA HEALTH SERVICES, MILWAUKEE, WI

MOTION: Ms. Mistele moved, seconded by Mr. Shropshire, for legal counsel to respond to the letter from Gentiva Health Services dated October 4, 2005 and utilize the response included with the letter from Gentiva from the North Carolina Board of Physical Therapy Examiners as a model answer. Motion carried unanimously.

**TEST OF ENGLISH AS A FOREIGN LANGUAGE (TOEFL)
INTERNET BASED TESTING (IBT) CUT SCORE SETTING**

MOTION: Mr. Shropshire moved, seconded by Ms. Mistele, to accept the Federation of State Boards of Physical Therapy (FSBPT) recommended cut scores, based on the study already conducted. Motion carried unanimously.

**WISCONSIN PHYSICAL THERAPY ASSOCIATION (WPTA)
BOARD STATUS VIS-A-VIS THE MEDICAL EXAMINING BOARD**

Keith Hatch and Michele Thorman, representing the WPTA, appeared before the Board with a position statement and supplementary information in support of establishing an independent Physical Therapists Examining Board in place of the current Physical Therapists Affiliated Credentialing Board. Board members discussed the proposal.

MOTION: Mr. Nosse moved, seconded by Mr. Shropshire, to support WPTA's position statement that the Physical Therapists Affiliated Credentialing Board transition to a Physical Therapists Examining Board. Motion carried unanimously.

INFORMATIONAL ITEMS

Noted.

CLOSED SESSION

MOTION: Ms. Stroede moved, seconded by Ms. Mistele, to convene to closed session to deliberate on cases following hearing (Wis. Stat. § 19.85 (1) (a)); consider closing disciplinary investigation with administrative warning (Wis. Stat. § 19.85 (1) (b), and Wis. Stat. § 440.205); consider individual histories or disciplinary data (Wis. Stat. § 19.85 (1) (f)); and to confer with legal counsel (Wis. Stat. § 19.85 (1) (g)). Otto Cordero-yes; Enid Mistele-yes; Larry J. Nosse-yes; Mark Shropshire-yes; and Jane Stroede-yes. Motion carried unanimously by roll call vote.

The Board convened into closed session at 2:12 p.m.

**RECONVENE INTO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED
SESSION**

MOTION: Mr. Shropshire moved, seconded by Ms. Stroede, to reconvene into open session. Motion carried unanimously.

**DELIBERATION OF PROPOSED DECISION AND ORDER
GABRIELE SHUE HAYES, PT**

Ms. Rothstein conducted a voir dire interview with Ms. Mistele in closed session, prior to deliberations, and concluded that Ms. Mistele's participation in deliberations and voting in the matter of disciplinary proceedings against Gabriele Shue Hayes, PT, is permissible.

MOTION: Ms. Stroede moved, seconded by Mr. Nosse, to accept the findings of fact, conclusions of law and order in the final decision and order dated December 8, 2005 regarding the matter of disciplinary proceedings against Gabriele Shue Hayes, PT. Motion carried. Mr. Cordero left the room, did not participate in deliberations, and did not vote.

**REQUEST FOR CONSIDERATION OF WAIVER FOLLOWING NPTE EXAM
RESULTS**

MOTION: Ms. Mistele moved, seconded by Ms. Stroede, to deny the request for waiver from Amy E. Thiele. Motion carried unanimously.

Barb Showers, Office of Education and Examinations, will respond to Amy E. Thiele.

KRISTI KNUTSON

MOTION: Ms. Mistele moved, seconded by Mr. Nosse, to issue a limited license to Kristi Knutson. Legal counsel will prepare the order with the restrictions as outlined by the Board. Motion carried unanimously.

VALIDATION OF EXAMINATION RESULTS

MOTION: Ms. Stroede moved, seconded by Mr. Nosse, to accept the examination scores of December 7, 2005. Five examinations were administered. Three candidates passed and two failed. Motion carried unanimously.

ADJOURNMENT

MOTION: Ms. Stroede moved, seconded by Ms. Mistele, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 4:11 p.m.